

**STAFF REPORT  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
DECEMBER 10, 2015**

- 7. APPLICATION: Z15-022**
- Location:** **3780 EAST POWELL ROAD (43035)** being 12.63± acres located on the southwest side of East Powell Road, 480± feet north of Worthington Road (31844104005000 and part of 31844202025001; Far North Columbus Communities Coalition).
- Existing Zoning:** R, Rural and L-C-4, Limited Commercial District.
- Request:** L-AR-3, Limited Apartment Residential District.
- Proposed Use:** Multi-unit residential development.
- Applicant(s):** N.P. Limited; c/o Dave Perry, Agent; David Perry Company, Inc.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.
- Property Owner(s):** The Estates of Richard and Ora Baggs; The Estates of Richard D. Baggs, Jr. and Ora Opel Baggs; c/o Diana Lynn Baggs, Co-Administrator, 3780 E. Powell Road, Lewis Center, OH 43035 and Charlene Sue McDonald, Co-Administrator, 2690 Greentree Court, Lewis Center, OH 43035; and Polaris 91 LLC; c/o Dave Perry, Agent; David Perry Co., Inc.; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.
- Planner:** Shannon Pine; 645-2208; [spine@columbus.gov](mailto:spine@columbus.gov)

**BACKGROUND:**

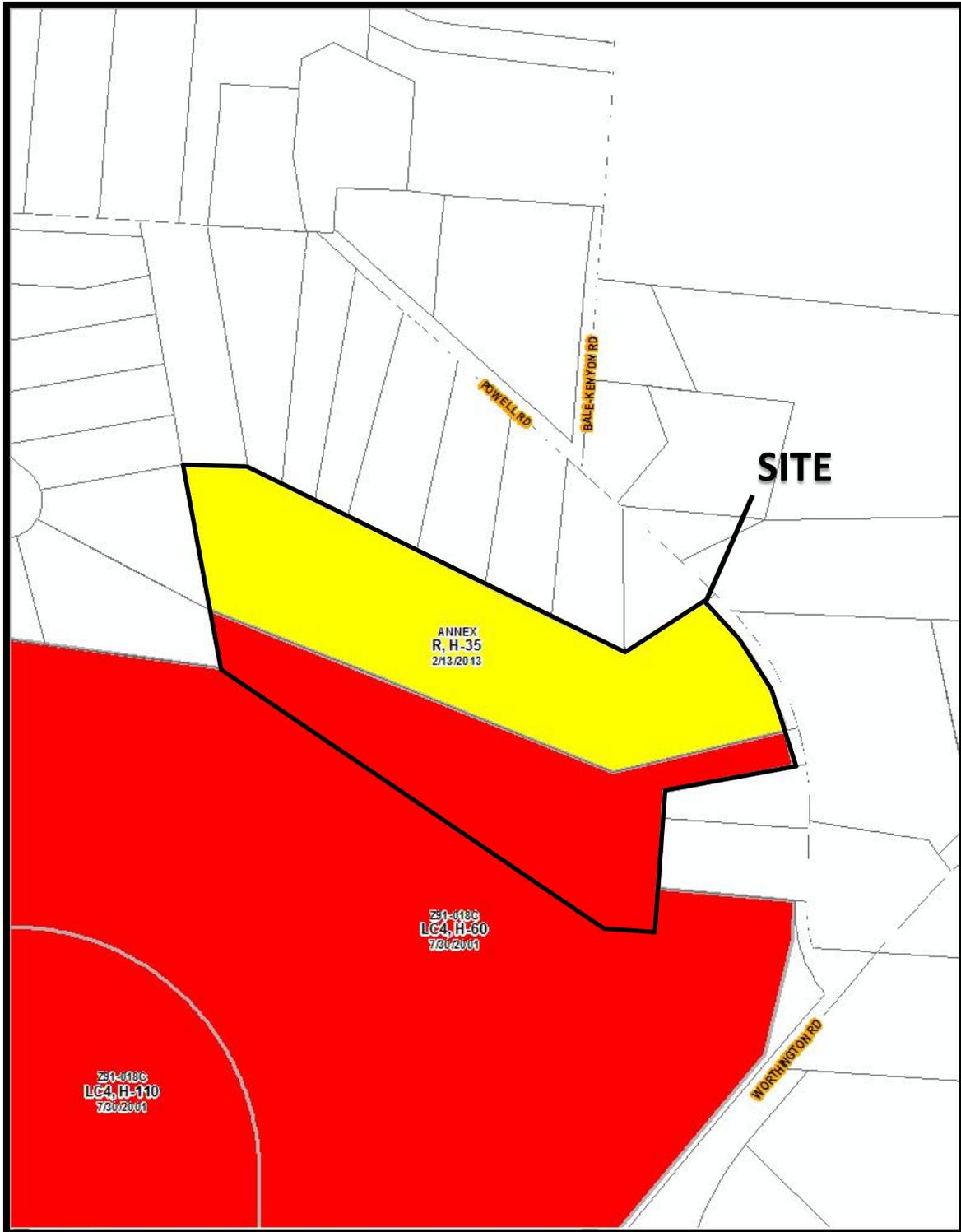
- The 12.63± acre site is developed with a single-unit dwelling in the R, Rural District, and undeveloped land in the L-C-4, Limited Commercial District. The requested L-AR-3, Limited Apartment Residential District will permit 139 apartment units (11.01 units/acre) and/or an assisted living facility.
- To the north and east across East Powell Road are single-unit dwellings in Orange Township. Also to the east are a child daycare center, a monopole telecommunications antenna, and an office development, also in Orange Township. To the south is undeveloped land in the L-C-4, Limited Commercial District (former amphitheater development). To the west are single-unit dwellings in in Orange Township.
- The site is within the planning area of *The Far North Area Plan* (2014), which recommends Very Low Density Residential uses (with the option of up to 8 du/acre of multi-unit residential development) for the portion of the site currently zoned R,

and Regional Mixed Use development (including higher density multi-unit residential development) for the portion of the site currently zoned L-C-4. The Plan includes a number of design-related recommendations that are applicable to this location, including preservation and protection of natural resources, and site access. The Planning Division supports this proposal conditioned on a commitment to the preservation of the Stream Corridor Protection Zone (with a cross-access easement to allow for one limited-sized access point to the south), and an increased setback or centralized area in order to preserve more trees and open space within the proposed development. This conditional support is given in recognition that the proposal includes property with existing commercial zoning, and that the development would allow for access from the south (consistent with the Plan's recommendation).

- The site is located within the boundaries of the Far North Columbus Communities Coalition, whose recommendation is for approval of the requested district.
- The limitation text includes provisions for maximum number of units, setbacks, building height, tree preservation, street trees, landscaping/screening, building materials, garage orientation, and a commitment to a site plan that reflects setbacks, access, and the stream corridor protection zone. Companion CV15-063 has been filed to vary fronting for a parcel to be created with no public street frontage for a potential lot split, and for reduced perimeter yard that could accommodate a privacy fence with a height of eight feet. That request will be heard by City Council and will not be considered at this Development Commission meeting.
- The *Columbus Thoroughfare Plan* identifies East Powell Road as a C arterial requiring a minimum of 30 feet of right-of-way from centerline.

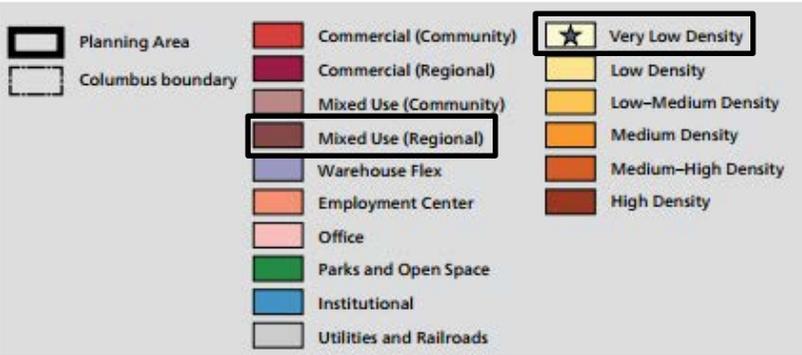
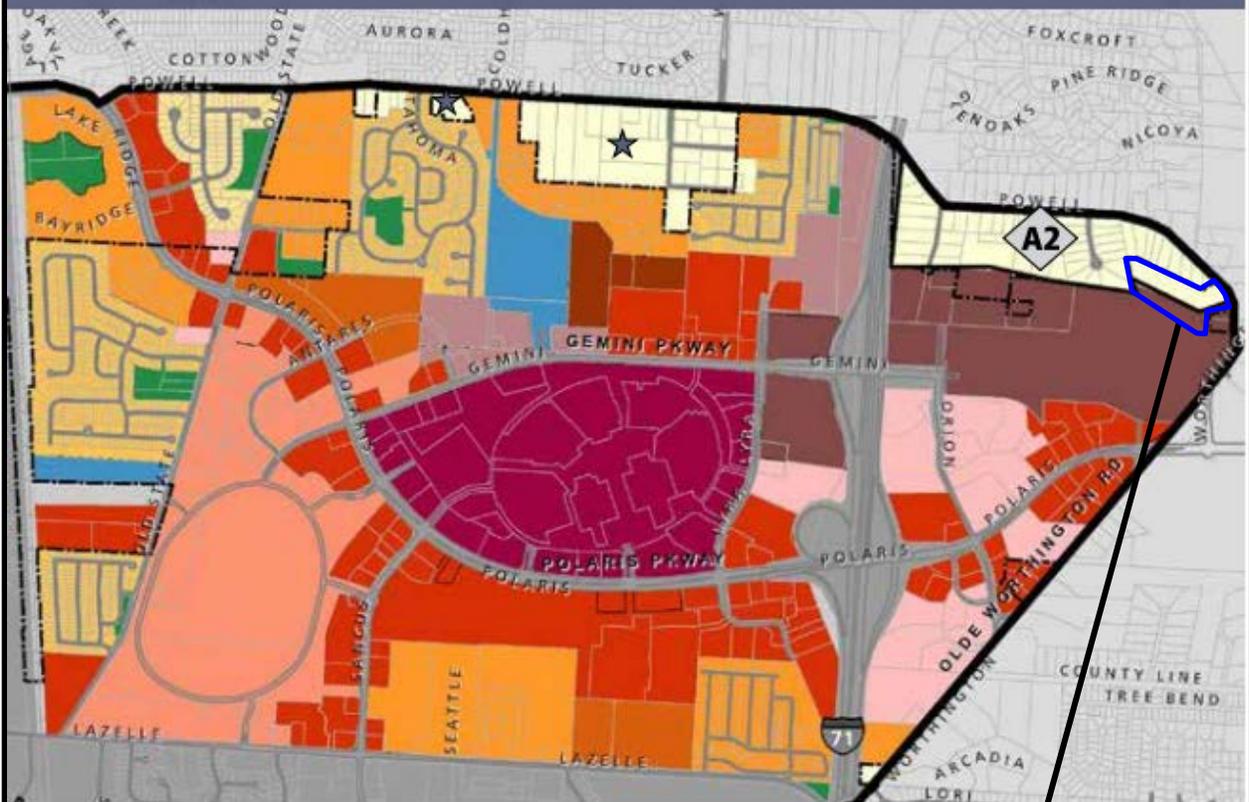
**CITY DEPARTMENTS RECOMMENDATION:** Disapproval.

The requested L-AR-3, Limited Apartment Residential District, will permit 139 apartment units (11.01 units/acre) and/or an assisted living facility with appropriate density limitations, building design and orientation commitments, and screening in consideration of the abutting residential lots. The site plan depicts the Stream Corridor Protection Zone and setback areas, and the limitation text commits to tree preservation within the setback areas. The proposed use and density is consistent with the recommendations of *The Far North Area Plan*, but the conditions for increased setbacks or a centralized area for additional tree-preservation, and preservation of the Stream Corridor Protection Zone, have not been fully resolved. Staff will recommend approval upon resolution of these issues, and recognizes that this development can serve as a good transitional use between the low-density residential development in Orange Township and the regional commercial development to the south, while preserving natural resources.



Z15-022  
3780 East Powell Road  
Approximately 12.63 acres  
R & L-C-4 to L-AR-3

Figure 16: Polaris Subarea



**SITE**

Refer to page 55 for supporting text for site A2.

Refer to page 43 for supporting text.

Far North Area Plan (2014)  
 Z15-022  
 3780 East Powell Road  
 Approximately 12.63 acres  
 R & L-C-4 to L-AR-3



Z15-022  
3780 East Powell Road  
Approximately 12.63 acres  
R & L-C-4 to L-AR-3

**DEVELOPMENT TEXT**

**EXISTING DISTRICT:** R, Rural and L-C-4, Limited Commercial  
**PROPOSED DISTRICT:** L-AR-3, Limited Apartment Residential  
**PROPERTY ADDRESS:** 3780 E Powell Road, Columbus, OH 43065  
**OWNER:** The Estates of Richard D. Baggs, Jr. and Ora Opel Baggs c/o Diana Lynn Baggs, Co-Administrator, 3780 E. Powell Road, Lewis Center, OH 43035 and Charlene Sue McDonald, Co-Administrator, 2690 Greentree Court, Lewis Center, OH 43035 and Polaris 91 LLC c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215

**APPLICANT:** N.P. Limited c/o Dave Perry, David Perry Co., Inc., 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215 and Donald Plank, Plank Law Firm, 145 East Rich Street, 3<sup>rd</sup> Flr., Columbus, OH 43215

**DATE OF TEXT:** December 4, 2015  
**APPLICATION NUMBER:** Z15-022

**INTRODUCTION:**

The subject property is 12.627 +/- acres located on the west side of E. Powell Road, 400 +/- feet north of Worthington-Galena Road. Applicant proposes to develop the site with a multi-family residential and/or assisted living facility use(s). Either or both uses shall be permitted. The plan titled “Baggs Zoning Exhibit 3780 E Powell Road”, hereafter “The Plan”, dated \_\_\_\_\_, and referenced in Section 2.G. of this text, depicts the planned points of access to the property and minimum perimeter setbacks. See the following text for additional setback standards. Council Variance application CV15-063 is a companion ordinance with this rezoning for applicable variances.

**1.PERMITTED USES:** The permitted uses of the site shall be multi-family residential development, and accessory uses and structures, as permitted in Section 3333.03, AR-3, Apartment Residential District Use, and/or an “assisted living facility”, and accessory uses and structures. For purposes of this ordinance, “assisted living facility” shall mean “Home of the Aging”, “Rest Home” and/or “Nursing Home”, all as defined in Chapter 3303, Definitions, and Sections 3303.08, Letter H, 3303.14, Letter N, and 3303.19, Letter S, and as permitted in Section 3333.03, AR-3, Apartment Residential District Use of the Columbus City Code,

**2.DEVELOPMENT STANDARDS:** Except as specified herein, the applicable development standards of Chapter 3333, Apartment Residential Districts, Chapter 3312, Off-Street Parking and Loading and Chapter 3321, General Site Development Standards of the Columbus City Code shall apply. Council variance application CV15-063 is a companion ordinance to this rezoning and modifies certain development standards, as itemized in the variance ordinance.

**A.Density, Height Lot and/or Setback Commitments.**

1. There shall be a maximum of 139 dwelling units on the 12.627 +/- acre site, hereafter “The Site”. Density shall not exceed 11 dwelling units/acre, including per net acre if only part of the site is developed with a multi-family residential use. An “Assisted living facility” shall not be considered to be one or more dwelling units.

2. The following shall regulate the setback and height of buildings in relation to the north property line, as noted on The Plan:

a. Subject to a variance (CV15-063) to reduce the perimeter setbacks noted on The Plan to 15’ and 20’, as noted on The Plan, detached garages may be built at a 15’ and 20’ setback from the property line, where noted on The Plan.

b. Other than detached garages, buildings shall be setback from the north property line as follows:

1. A one (1) story building shall be setback a minimum of 25 feet.

2. A two (2) story building shall be setback a minimum of 50 feet.

3. A three (3) story building shall be setback a minimum of 65 feet.

3. The following shall regulate the setback and height of buildings in relation to the west property line, as noted on The Plan:

a. Detached garages, one (1) story and (2) story buildings may be built at the 50 foot west setback line.

b. A three (3) story building shall be setback a minimum of 65 feet from the west property line.

4. The maximum ridge height of all detached garages shall be 15’.

**B.Access, Loading, Parking and/or Traffic Related Commitments.**

1. There shall be a minimum of two (2) vehicular access points to The Site. If both permitted uses are developed, each use may only have one direct vehicular access point off-site, but easements shall be reserved as needed to provide

common circulation between the use areas. If both permitted uses are developed, separate parcels will be required and the west parcel may not have street frontage (See CV15-063).

2. The internal private streets shall be designed to discourage cut-through traffic between the Powell Road curbcut and vehicular connection to the south. It is anticipated the vehicular connection to the south will be a private street.

3. Prior to the approval of a site compliance plan, the developer shall complete a traffic study and shall make any required improvements defined by this traffic study, which shall be reviewed and approved by the Delaware County Engineer's Office.

### **C. Buffering, Landscaping, Open Space, and/or Screening Commitments.**

1. Within the minimum setbacks depicted on The Plan, and subject to reduction of the perimeter setback for detached garages (CV15-063), as noted on The Plan, existing trees of 5" caliper or greater shall be preserved except where utility connections and vehicular connections require removal.

2. Street trees shall be provided along the Powell Road frontage at the rate of one (1) tree per 40 lineal feet.

3. Within the north setback, evergreen trees shall be planted at 20 feet on center, with spacing adjusted for trees to be preserved, if any, and also for placement of detached garage buildings.

### **D. Building design and/or Interior-Exterior treatment commitments.**

1. Primary building materials shall be traditional and natural in appearance and shall consist of stone, stucco, brick, hardi-plank, or comparable, and/or vinyl siding or combination of same. No building, except detached garages, shall have an exterior finish of more than 50% vinyl siding. Exposed smooth face block is not permitted.

2. Primary building roof(s) shall be pitched and have a minimum slope of 6:12. Roofs on detached garages, one story components or primary buildings and porch roofs are not subject to the minimum 6:12 roof pitch and may use flat roofs.

3. All buildings, except detached garages, shall have four sided architecture and shall have the same level and quality of exterior finish on all sides.

4. On detached garage buildings located at a reduced setback in the perimeter setbacks, as permitted by CV15-063, all doors for car parking space bays shall be located on the interior side of the garage buildings.

### **E. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments.**

All new or relocated utility lines on-site shall be installed underground unless the applicable utility company directs or requires otherwise.

**F.Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus Graphics Code, as it applies to the AR-3, Apartment Residential District. All signage shall be monument style or shall be incorporated into an entrance feature. Any variance to the applicable sign requirements of the AR-3, Apartment Residential District shall be submitted to the Columbus Graphics Commission.

**G.Miscellaneous.**

1.The developer shall comply with applicable monetary payment requirements of Chapter 3318, Parkland Dedication, Columbus City Code.

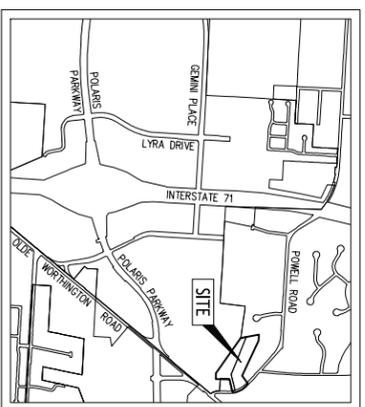
2. The plan titled “Baggs Property Zoning Exhibit, 3780 E Powell Road”, hereafter “The Plan”, dated \_\_\_\_\_, and signed by David B. Perry, Agent, and Donald Plank, Attorney, depicts the planned points of access to the property and minimum perimeter setbacks. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

3. See also CV15-063.

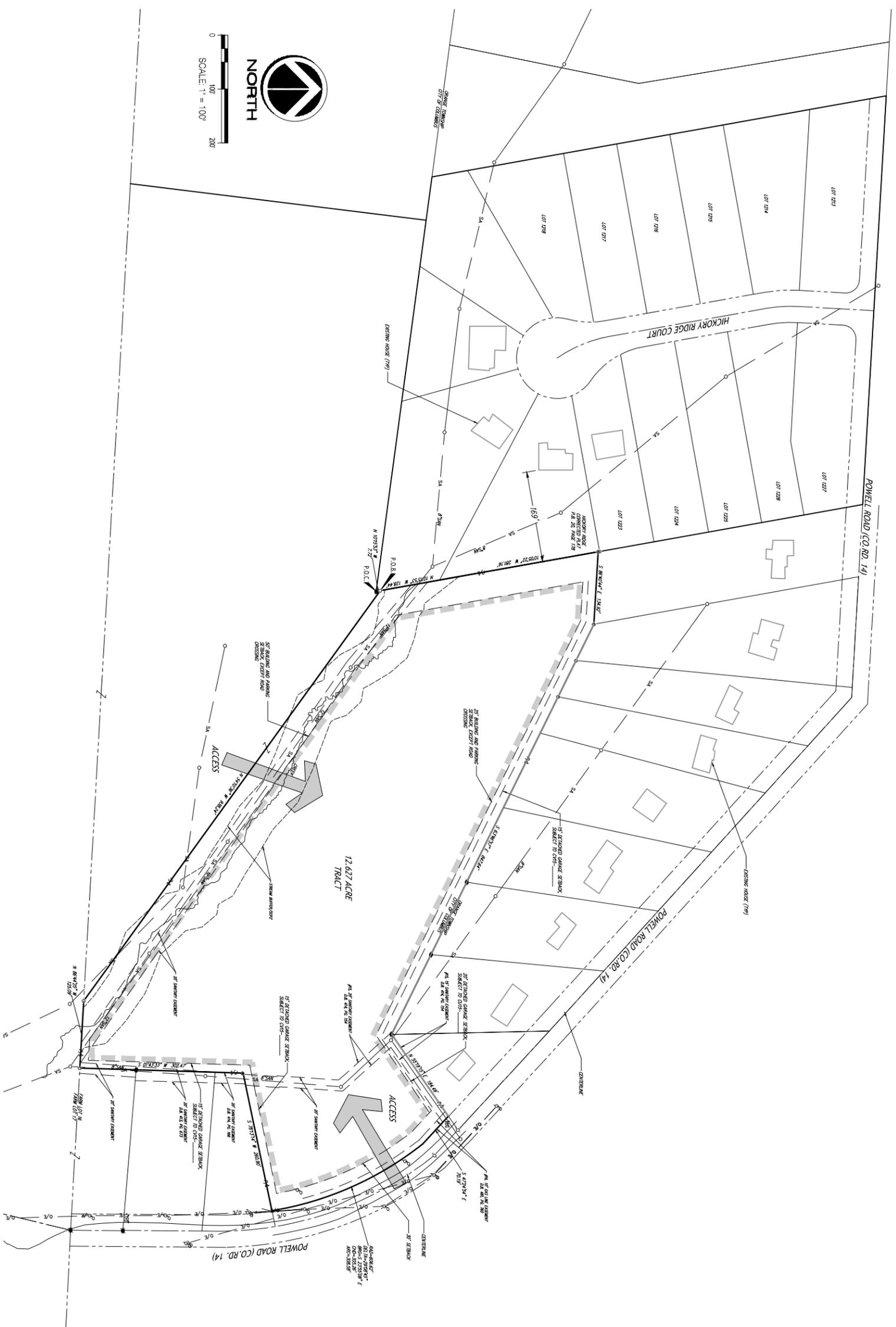
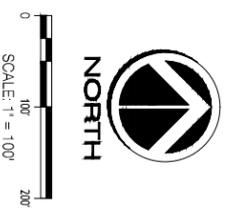
*The undersigned, being the owner of the subject property together with the applicant in the subject application, or their authorized representatives, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Codes.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
David B. Perry, Agent

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Donald Plank, Attorney for Applicant



DATA TABLE



Baggs Property Zoning Exhibit, 3780 E. Powell Road, Columbus, OH 43065

prepared for  
**N.P. Limited**  
 November, 9 2015



2065 North High Street, Suite 300, Columbus, Ohio 43235  
 614.885.1700 www.ctconsultants.com

Z15-022, Sheet 1 of 1  
 (see also: CV15-\_\_\_\_\_)



# STANDARDIZED RECOMMENDATION FORM

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number 2-15-022

Address 3780 E. Powell Rd.

Group Name Far North Columbus Communities Coalition

Meeting Date 11/3/15

Specify Case Type

BZA Variance / Special Permit

Council Variance

Rezoning

Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

Approval

Disapproval

**NOTES:** Condition:

Garage doors along north border have doors face south.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote 12-0

Signature of Authorized Representative James Palmisano

SIGNATURE

FNCCC President

RECOMMENDING GROUP TITLE

614/430-7840

DAYTIME PHONE NUMBER

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.